

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## WARD FRANCIS WEAVER, JR.,

Petitioner,

V.

**KEVIN CHAPPELL, as Warden of San Quentin State Prison,**

## Respondent.

Case No. 1:02-cv-05583-AWI-SAB

**ORDER GRANTING IN PART  
REQUEST TO MODIFY BRIEFING  
SCHEDULE**

**KEVIN CHAPPELL, as Warden of San Quentin State Prison,**

On May 1, 2014, Respondent filed a request for an extension of 120 days to file an opposing brief. Petitioner filed his application for a stay of execution on May 17, 2002. (ECF No. 1.) The action was held in abeyance from May 30, 2003 to June 1, 2010 to allow for exhaustion of state remedies. (ECF Nos. 34, 121.)

The Fresno Division of the Eastern District of California now has the heaviest District Judge caseload in the entire nation. Due to the Court's impacted docket of both criminal and civil cases and the four years since this case has been available for the court to consider, the Court finds it appropriate to move this action forward. This Court is also busy but must move cases forward. Upon review of the record in this action, the parties have continually requested extensions of time to comply with filing deadlines. The Court is cognizant of the seriousness of

1 the issues raised in this action and the time involved in preparing and responding to motions,  
2 however at this juncture, the Court declines to extend the deadline by an additional 120 days. The  
3 Court finds good cause to grant Respondent a sixty day extension of time to file an opposition.

4 Based on the foregoing, IT IS HEREBY ORDERED that the Request to Modify the  
5 Briefing Schedule is GRANTED IN PART and respondent shall have an additional sixty (60)  
6 days, up to July 7, 2014 for Respondent to file an opposing brief. No further extension will be  
7 entertained.

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9 IT IS SO ORDERED.

10 Dated: May 1, 2014

  
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20 UNITED STATES MAGISTRATE JUDGE